

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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USA,

Plaintiff,

-v-

MARTIN ALONSO ASTORGA MEZA,

Defendant.
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21-CR-62-1 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Sentencing in this case is scheduled for Friday, March 25, 2022. The defense argues for a downward variance from the Sentencing Guidelines relying on Judge Gleeson's opinion in *United States v. Diaz*, 2013 WL 322243 (E.D.N.Y. Jan. 28, 2013). In *Diaz*, Judge Gleeson expressed his policy disagreement with the Sentencing Guidelines framework for narcotics cases and the emphasis the Guidelines place on drug quantity. Judge Gleeson discussed some of the other factors that are relevant to sentencing:


Drug quantity is not irrelevant in assessing a drug trafficking defendant's culpability, and there is nothing inherently wrong in the Guidelines taking drug quantity into account. If all else is equal, a dealer who sells 50 kilograms of heroin inflicts more harm on society, and deserves greater punishment, than one who sells one kilogram. But two drug trafficking cases are rarely alike in all respects except quantity. Numerous factors distinguish one drug offender's culpability from another. What was the defendant's role? What was his compensation? Did he have a proprietary interest in the drugs? How long was he involved in drug trafficking? Why did he get involved to begin with? Did he stop because he was arrested or for some other reason?

United States v. Diaz, 2013 WL 322243, at *12. In addition, although not focused upon by Judge Gleeson in the foregoing paragraph, the Court must consider the relative culpability of the defendant and his co-defendant and the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.

The Court invites both parties to address at sentencing the inferences the Court should draw from the Presentence Report with respect to the foregoing factors.

SO ORDERED.

Dated: March 21, 2022
New York, New York



LEWIS J. LIMAN
United States District Judge